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REGULATORY POLICY

P-76 (E)

POLICY AND PROCEDURES FOR MAKING SUBMISSIONS AND APPEARANCES BEFORE THE ATOMIC ENERGY CONTROL BOARD

Published by the
Atomic Energy Control Board
(August 28, 1997)



Atomic Energy
Control Board

Commission de contrôle
de l'énergie atomique

Canada

REGULATORY GUIDANCE DOCUMENTS

AECB-administered Acts and regulations, licences and directives establish nuclear regulatory requirements. The AECB provides instruction, assistance and information on these requirements in *Regulatory Guidance Documents*.

A *Regulatory Guidance Document* (RGD) describes policies, principles, standards, criteria, factors or procedures that the AECB considers or follows in the exercise of its regulatory authority. RGDs are intended to guide the conduct of all persons subject to regulatory requirements, and others involved with the AECB's regulatory process. In general, these documents promote compliance approaches or standards acceptable to the AECB, but do not preclude other ways to satisfy the intent of the regulatory requirements. Compliance with an RGD is optional, unless required by its incorporation in an AECB licence.

The AECB uses five classes of RGD to organize and communicate regulatory guidance:

- **Regulatory Policy**
- **Regulatory Standard**
- **Regulatory Guide**
- **Regulatory Notice**
- **Regulatory Procedure**

A **Regulatory Policy** is an RGD that describes the philosophy, principles or fundamental factors that the AECB uses to direct the actions of AECB staff and guide the conduct of persons subject to regulatory requirements, as well as others who interact with the Board's regulatory process.

A **Regulatory Standard** is an RGD that describes detailed specifications, criteria or actions that can be objectively measured; are acceptable to the AECB as meeting regulatory requirements; and are suitable for incorporation into AECB licences.

A **Regulatory Guide** is an RGD that describes criteria or actions which the AECB accepts and recommends as meeting regulatory requirements, but which are not suitable for incorporation into AECB licences.

A **Regulatory Notice** is an RGD that provides case-specific advice and information to alert licensees and others about significant health, safety or compliance issues that should be acted upon in a timely manner.

A **Regulatory Procedure** is an RGD that describes the work processes that the AECB will follow.

Copies of *Regulatory Guidance Documents* are available in both English and French from the AECB Office of Public Information, P.O. Box 1046, Ottawa, ON, K1P 5S9; telephone (613) 995-5894, or (800) 668-5284; fax (613) 992-2915; e-mail: nfo@atomcon.gc.ca. Comments and suggestions for improvements to these documents are welcome.

Consultation: AECB Regulatory Policies, Standards and Guides normally originate as Consultative Documents, drafts issued to obtain comment from interested parties. Each Consultative Document has a finite life, after which it must be formalized as an RGD, or be withdrawn. Consultative Documents are numbered C-xxx, and the numerical component is usually kept if the draft is finalized and issued as an AECB Regulatory Policy (P-xxx), Regulatory Standard (S-xxx) or Regulatory Guide (G-xxx).

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NOTICE

On March 20, 1997, Bill C-23, the *Nuclear Safety and Control Act*, received Royal assent. New Regulations that are derived from this Act will become law and replace the existing Regulations. This document will be revised to incorporate the new Regulations at that time. Regulatory Policy P-76 (E) was prepared under the existing *Atomic Energy Control Act* and its Regulations, which remain in force until further notice.

Policy and Procedures for Making Submissions and Appearances Before the Atomic Energy Control Board

Regulatory Policy P-76 (E)

Published by the Atomic Energy Control Board

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Ce document est également disponible en français.



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1. Objective

The objective of Regulatory Policy P-76 (E), entitled *Policy and Procedures for Making Submissions and Appearances before the Atomic Energy Control Board*, is to assure that interested parties and intervenors have an opportunity to express their views and provide input into matters coming before the Atomic Energy Control Board.

2. Policy Statement

It is the policy of the Atomic Energy Control Board (AECB) to take into account the views, concerns and opinions of interested parties and intervenors when establishing policy, making licensing decisions, and implementing programs falling within the scope of AECB activities; and to make provision for personal presentations before the Board by interested parties and intervenors.

It is also the policy of the AECB to make decisions of the Board public, through appropriate communications.

3. Effective Date

Regulatory Policy P-76 (E) was approved by the Atomic Energy Control Board on June 25, 1997. It replaces the January 25, 1996, version.

4. Definitions

appearance: Personal presentation to the Board on matters coming before the Board for consideration; must be accompanied by a submission. (*intervention*)

Board member: One of five persons (members) appointed by the Governor in Council to direct the affairs of the AECB. One of the members is appointed to be the President and is the Chief Executive Officer of the AECB. (*commissaire*)

Board Member Document (BMD): Name for documents submitted to Board members for consideration at Board meetings. These may include staff recommendations on licensing actions or other matters, and submissions from interested parties and intervenors. [*document à l'intention des commissaires (BMD)*]

interested party: A licence applicant or licensee. (*partie intéressée*)

intervenor: Any individual or organization who wishes to make an appearance or submission on an issue to be considered by the Board. Excluded are employees of the AECB or persons under contract to the AECB. (*intervenant*)

submission: Written text from an interested party or intervenor expressing an opinion or providing information on a matter before the Board. (*mémoire*)

5. Board Process

The Board uses a two-step decision-making process for licensing decisions on major facilities and for policy decisions that will affect interested parties. These decisions include those for the licensing of power reactors, research reactors, uranium mine/mill facilities, refinery and fuel fabrication plants, and waste management facilities. The Board may elect to use this process for any other decision within its mandate.

The steps consist of the initial consideration when the matter is first presented, and the final consideration, when a decision is to be made. For major facilities, decisions will normally be taken at the second meeting following initial consideration. This process is intended to provide ample opportunity for interested parties and intervenors to become aware of matters coming before the Board for consideration, and to inform the Board of their interest in participating by means of a written submission or an appearance accompanied by a written submission. Representations by interested parties or intervenors may be made at either stage.

As an added measure to provide sufficient notice of matters coming before the Board, early notice of issues will appear on a preliminary agenda to be prepared approximately 60 days prior to final disposition of the issue.

The Board reserves the right to waive any requirement of this Regulatory Policy or to amend this process if required.

6. Appearances by Applicants

Applicants are seen by the Board as being important contributors to the decision-making process. Therefore, applicants for licensing actions for major facilities noted in section 5 above are expected to attend at least one of the two Board meetings at which their licensing application is to be considered. Applicants are expected to make an appearance on their application and to answer questions which may be posed by the Board. An appearance at the "initial consideration" meeting is the most useful, although the applicant's presence at the "decision" meeting may also be requested. Delays in the Board decision may occur if applicants are not present.

7. Procedures for Making Submissions

Submissions must clearly address a matter coming before the Board for consideration.

Every person wishing to make a submission to the Board must forward a notice of intent to make a submission accompanied, in the case of licensing issues, by the written text as early as possible, but at least three weeks in advance of the applicable Board meeting date. Notices and texts must be addressed to the Board Operations Officer. If an appearance is requested, the name(s) of person(s) who will be appearing, mailing address, street address, telecommunications numbers, the text of the presentation, and the official language in which the presentation is to be given are also required by the Board Operations Officer.

The lead time is necessary to provide time for the AECB staff assessment, referral to the President and other Board Members as required, to give adequate notice and copies of the documentation to all other interested parties, and to allow everyone to be properly prepared.

To ensure Board consideration, all submissions must be received at least three (3) weeks prior to the relevant Board meeting date.

On receipt of a submission the AECB will take the following actions:

- (1) Receipt of the submission will be acknowledged within one week.
- (2) The submission will be sent directly to Board members and interested parties as a BMD and added to the Board meeting agenda. Intervenors will not automatically receive submissions from other intervenors.
- (3) Where an appearance has been granted, the person will be advised of the time, duration, and location of the appearance. Where the appearance relates to a licensing action, the licence applicant or licensee will be informed that an appearance has been granted and will be sent copies of appearance documentation.
- (4) Copies of all submissions are public documents that are part of the public record of the meetings and will be available to the public upon request. Documents marked "confidential" or which otherwise indicate limited distribution shall not be considered by Board members in decision making, as these documents cannot be considered part of the public record.

8. Conduct of Appearances

Board meetings are open to the public and the news media, but the use of video and camera equipment is prohibited, and all interested parties may be present at the time of an appearance. The following guidelines apply:

- (1) The Board Members will receive and consider the information presented and may ask questions of the presenter(s). Board Members may take into account any of the following, or any other factors deemed relevant, when considering a submission:

- a) the relevance to the decision to be taken;
- b) whether or not the submission is substantive and whether or not its substance has been previously considered.

If the notice of intended appearance and written text are not received in accordance with the three-week deadline, the submission may not be considered and the request for an appearance may be denied.

(2) The AECB will provide simultaneous interpretation in both official languages if necessary and if sufficient notice is given. Where an appearance is to be made in a language other than French or English, an interpreter must be provided by the interested party or intervenor, at their own expense. The Chair must be satisfied that the interpreter is competent to perform the necessary interpretation.

(3) A delegation of presenters at an appearance is generally to be no more than three people. There is no restriction on the attendance of non-presenting supporters of a delegation, but the number may be limited by the availability of space.

(4) The length of an appearance is at the discretion of the Chair, but is normally 10 minutes per delegation, including presentation, questions and comments.

(5) Appearances will be referenced in the minutes of the Board meeting. Minutes of Board meetings are public documents and are available from the Office of Public Information once approved by the Board, usually at the next Board meeting. The Board does not normally take or maintain verbatim transcripts of its proceedings.

(6) The order of presentations is normally as follows:

- a) licensee or licence applicant,
- b) AECB staff,
- c) intervenors.

At the discretion of the Chair, the licence applicant or licensee may be allowed to give a final reply to address new information.

(7) All parties involved in an appearance should be present at the same time and must follow the directions of the Chair.

(8) All proceedings before the Board shall be dealt with as informally and expeditiously as the circumstances and considerations of fairness permit.

(9) The Board is not bound by the legal rules of evidence.

9. Document Availability

Anyone may apply to receive BMDs pertaining to issues coming before the Board. Requests for BMDs should be made to the Office of Public Information, which maintains standing mailing lists.

10. Funding for Meeting Attendance

Expenses associated with an appearance must be borne by the interested party or intervenor.

11. Decision of the Board

Deliberations and decisions are usually made in camera. Decisions will be made public at the earliest possible time, and generally no more than 24 hours after having been made.

Persons who gave a submission or who made an appearance will be directly notified of any Board decision.

It should be noted that the Board may adjourn a meeting or the consideration of any matter before it to a later time or date.

12. Addresses and Contacts Relevant to Submissions and Appearances

Postal Address: Atomic Energy Control Board
P.O. Box 1046, Station B
Ottawa, Ontario
CANADA K1P 5S9

Street Address: Atomic Energy Control Board
280 Slater Street (Standard Life Centre)
Ottawa, Ontario

Public Hearing Room: 4th floor

To make a submission and/or request an appearance:

Board Operations Officer

Telephone: (613) 996-2026 or 1-800-668-5284

Facsimile: (613) 995-5086

To receive BMDs on particular issues or be placed on the mailing list:

Office of Public Information

Telephone: (613) 995-5894 or 1-800-668-5284

Facsimile: (613) 992-2915

FURTHER INFORMATION AND COMMENTS

This Regulatory Policy has been prepared by the Regulatory Affairs and Board Operations Section. Requests for further information and comments on this document should be directed to:

Regulatory Affairs and Board Operations Section

Secretariat

Atomic Energy Control Board

P.O. Box 1046, Station B

Ottawa, Ontario

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Telephone: (613) 995-6618

Facsimile: (613) 995-5086

